

UNITED STATES DISTRICT COURT

for the
District of New Mexico**FILED**
United States District Court
Albuquerque, New MexicoUnited States of America
v.Case No. **22 MJ 293**Mitchell R. Elfers
Clerk of Court

Jason Smeltzer

*Defendant(s)*AMENDED
CRIMINAL COMPLAINT


I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 20, 2022 - February 23, 2022 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 2113	Bank Robbery (Five Counts)

This criminal complaint is based on these facts:

See attached

☒ Continued on the attached sheet.*Complainant's signature*

Elia Viramontes, Special Agent

Printed name and title

- ☐ Sworn to before me and signed in my presence.
☒ Sworn to telephonically and signed electronically.

Date: March 25, 2022City and state: Albuquerque, NM*Judge's signature*

Jerry H. Ritter, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Elia Viramontes, having been dully sworn, state:

INTRODUCTION AND PURPOSE OF THE AFFIDAVIT

1. I am a Special Agent of the FBI and have been employed since April 2021. I am currently assigned to the Albuquerque Division, Violent Crimes and Gangs Task Force (VCGTF), which is a multi-agency task force that investigates armed robbery, kidnapping, carjacking, and firearms-related crimes. While employed by the FBI, I have gained experience through my training at the FBI Academy, Quantico, Virginia. I have received training in a variety of investigations and legal matters, including drafting and executing search and arrest warrants. Prior to becoming an FBI Special Agent, I was a police officer for six years. During my law enforcement career, I have arrested hundreds of individuals for crimes ranging from homicide, narcotics laws, robbery, assault and battery, and other violent crimes. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, including bank robbery contrary to 18 U.S.C. § 2113.

2. The information set forth in this affidavit was derived from my own investigation and /or communicated to me by other employees of the FBI, other law enforcement agencies, and from records and documents that I, and others, have reviewed and the post arrest statements of the defendant.

3. This affidavit is submitted in support of a criminal complaint and arrest warrant charging Jason Smeltzer (SMELTZER) with bank robbery, in violation of 18 U.S.C. § 2113.

STATEMENTS OF PROBABLE CAUSE

4. On January 20, 2022, at approximately 4:55 p.m., a male subject entered the branch of First Financial Credit Union located at 2700 San Mateo Blvd. NE, Albuquerque, NM 87110. Based on security camera images and witness statements, the subject was described as a Hispanic male, 45 to 50 years of age, approximately 5'5" – 5'7" tall, 150 lbs. to 170 lbs., wearing prescription glasses, black leather jacket, dark jeans, light colored face mask, and red/black shoes. The subject presented

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

the victim teller with a note stating: *“Please wait until I leave to trigger the alarm. Please place marked bills in an envelope. Then place another envelope with 500 unmarked. (this helps me) I am that vigilantee that helps catch drug dealers. Your helping me save people from old deaths.”* The teller complied with the written demand and handed the suspect two envelopes, one with ten twenty-dollar bills and a second envelope with five one-hundred dollar bills. The victim teller handed the subject a total of \$700.00 in US currency. The subject took the currency and left the bank on an unknown direction. This bank robbery will hereinafter be referred to as Robbery 1.

5. On January 31, 2022, at approximately 9:24 a.m., a male subject entered Bank of the West located at 4221 San Mateo Blvd. NE, Albuquerque, NM 87110. The subject wore a black leather jacket, dark -colored t-shirt, black pants, and disposable face mask. The subject approached the bank teller and presented a note that stated: *“Please place your marked bills in an envelope, I am that vigilantee that helps law enforcement take down drug dealers. Place 500 in another envelope, this helps me keep going. Thank you.”* The teller complied with the written demand and gave the subject \$840.00 in US currency. The subject left the bank with the US currency and headed southbound on foot. Victim teller described the subject as a white male, 40 to 50 years of age, medium build, approximately 5’3’ to 5’5” tall, and black hair brushed back. This bank robbery will hereinafter be referred to as Robbery 2.

6. On February 15, 2022, at approximately 5:31 p.m., a subject entered the First Financial Credit Union located at 2700 San Mateo Blvd. NE, Albuquerque, NM 87110. The subject approached the teller station and presented a note stating: *“Please place your marked bills in an envelope, yes I am the vigilantee helping the police catch drug dealers and stop overdoses. Please place 1K in another envelope, this helps me survive. Thank you, truly I am grateful. I will repay.”* The victim teller complied with the written demand and gave the suspect \$1,180.00 in US currency. Witness described

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

the subject as a white male, early 40s, approximately 5'9" tall, 150 to 175 pounds, black hair, wearing eyeglasses, disposable face mask, dark long sleeve dress shirt, dark pants, and black shoes. The subject left the bank with the money in an unknown direction. Bank employees believed the subject was the same subject from Robbery 1. This bank robbery will hereinafter be referred to as Robbery 3.

7. On February 22, 2022, at approximately 9:41 a.m., a white male subject entered Enterprise Bank and Trust located at 7445 Pan American NE, Albuquerque, NM 87109. Based on security images and witness statements, the subject was identified as a white male in his 40s, approximately 5'6" tall, dark hair, wearing prescription glasses, disposable face mask, green jacket, blue jeans, and brown shoes. The subject presented a note stating: *"Please place your marked bills in an envelope, yes I am the vigilante helping cash drug dealers. Please place 1,500 in another envelope, that helps me survive."* The victim teller complied with the written demand and gave the subject one envelope with five twenty-dollar bills and mutilated money totaling \$136.00 in US currency. The subject left the bank heading north on foot along the building and then west. Victim teller looked out the glass windows and followed the subject visually. Victim teller saw the suspect entering the driver seat of a gray Hyundai Sonata and leaving the area towards Jefferson Blvd. NE. This bank robbery will hereinafter be referred to as Robbery 4.

8. On February 23, 2022, at approximately 11:37 a.m., a male subject entered Western Commerce Bank located at 1910 Wyoming Blvd. NE, Albuquerque, NM 87112. Witnesses described the subject as a white male, approximal 40 years of age, 5'5" tall, dark brown hair brushed back, medium build, wearing a black leather jacket, dark shirt, blue jeans, disposable face mask, and brown shoes. The subject approached the bank teller and presented a demand note stating: *"Please place your marked bills in an envelope, yes I am the vigilante helping law enforcement catch drug dealers."*

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I strongly suggest focusing on the cinnamon tree. Please place 1k in another envelope, this helps me survive. Thank you, opiates have taken too many lives.” The victim teller complied with the demand and gave the subject \$1,000.00 in US currency, all in twenty-dollar bills. The subject left the bank with the US currency heading northbound on foot towards Walmart. This bank robbery will be referred to hereinafter as Robbery 5.

9. Based on the above information, your affiant believes the Robberies 1-5 were committed by the same subject. In all robberies the subject presents a note calming he is a vigilante helping law enforcement, in Robbery 1, 3, 4, and 5, he wears prescription glasses. In robbery 1, 2, and 5 the subject wears a black leather jacket and in Robbery 4 and 5 the subject wears the same brown shoes.

10. First Financial Credit Union is insured by the National Credit Union Administration Board (NCAU), wherefore it is a credit union as defined under 18 U.S.C. § 2113. Bank of the West, Enterprise Bank and Trust, and Western Commerce Bank are insured by the Federal Deposit Insurance Corporation, and therefore are banks as defined under 18 U.S.C. § 2113. First Financial Credit Union, Bank of the West, Enterprise Bank and Trust, and Western Commerce Bank suffered a financial loss in the robberies.

IDENTIFICATION OF THE SUBJECT

11. On January 21, 2022, at 9:12 a.m., MP contacted the FBI National Threat Operation Center (NTOC) to report her ex-husband, Jason M. SMELTZER (SMELTZER), year of birth 1982, residence address 3208 Madeira Dr. NE, Albuquerque, NM 87112, looked like the subject that robbed First Financial Credit Union on January 20, 2021. MP believes the suspects forehead, hair, and glasses, look like SMELTZER.

12. On February 16, 2022, your affiant conducted a phone interview with MP to obtain further details on her call to NTOC. MP saw the photos on news release for the bank robbery that took place

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

on January 20, 2022. MP recognized the stands, glasses, forehead, and hair on the suspected robber as the same features from her ex-husband SMELTZER. MP added she recently saw the media release on two more robberies that took place on January 31, 2022 and February 15, 2022 and believes SMELTZER is the suspected robber on the two robberies as well. MP recently saw SMELTZER when she dropped her son off at his house. MP described SMELTZER as heavier than usual, weighing approximately 180 lbs. MP recalls SMELTZER always wears jeans that are wide on the legs just like the ones wore by the subject in the robberies. He also wears prescription glasses and believes the glasses he uses are in similar appearance to the glasses wore by the subject in the Robbery 1, and 3. MP provided pictures of SMELTZER from their prior relationship. Your affiant reviewed the pictures and determined SMELTZER has the same hair line as the subject described in the above robberies. The prescription glasses SMELTZER wears are in similar appearance to the ones used in Robbery 1, 3, 4, and 5. A query of databases available to and relied upon by law enforcement revealed SMELTZER's residence address at 3208 Madeira Dr. NE, Albuquerque, New Mexico 87110, which was the same address MP provided.

13. On February 16, 2022, after the phone interview with MP, your affiant drove to 3208 Madeira Dr. NE, Albuquerque, NM 87110, and witness a gray Hyundai Sonata, with black New Mexico license plate number BDND86, parked on the driveway of the location. During Robbery 4 witnesses observed the suspected robber walk to a gray Hyundai Sonata with black New Mexico plates, entered the driver seat of the vehicle and departed the area heading west towards Jefferson Blvd. NE.

14. On February 23, 2022 after Robbery 5 Albuquerque Police Department (APD) Robbery Detectives initiated surveillance at the 3208 Madeira Dr. NE, Albuquerque, NM 87110 and, at approximately 1:46 p.m., detectives observed a white male subject wearing a black leather jacket, blue jeans and brown shoes – all consistent with the teller's description of the robber - exit a gray

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

Hyundai Sonata and entering the residence. At approximately 5 p.m., agents observed the same subject, who was still wearing the clothing described by tellers in the bank robbery, drive in the gray Hyundai to the Crown Jewels and Coin, located at 3248 San Mateo Blvd. NE, and purchase what clerks described as a “coin” for \$200. He paid for the “coin” with all \$20 bills. During robbery 5, which occurred at 11:37 a.m. on February 23, 2022, the robber received all \$20 bills.

POST MIRANDA STATEMENT BY SMELTZER

15. At approximately 5:30 p.m. APD Robbery Detectives observed a male wearing a black leather jacket, blue jeans, and brown shoes, leaving the residence, 3208 Madeira Dr. NE, Albuquerque, NM 87110, in a gray Hyundai Sonata license plate number BDND86, along with a female passenger. APD Detectives and officers determined it was safe to initiate a traffic stop on the vehicle to identify the driver, who was still wearing the clothing described in Robbery 5. A traffic stop was initiated, and officers were able to detain the driver who was identified as Jason SMELTZER, year of birth 1982. The female passenger was determined to be SMELTZER’s mother and registered owner of the vehicle.

16. FBI Agents responded to the scene of the traffic stop and conducted an interview with SMELTZER. In a post-*Miranda* statement SMELTZER admitted he committed five bank robberies in Albuquerque, NM. SMELTZER stated he robbed First Financial Credit Union near his residence twice. He also recalls robbing Bank of the West and stated on his first two robberies he only requested \$500 from the tellers. SMELTZER recalls only getting over \$100 during Robbery 4. He also advised Agents he wrote the demands notes and he always asked for money politely. SMELTZER stated he is suffering from a drug addiction and was using the money from the bank robberies to buy drugs.

17. SMELTZER was placed under arrest by APD detectives for bank robbery. APD Robbery detectives seized the black leather jacket, brown shoes, and US currency from SMELTZER’s person.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

Agents located and seized a pair of glasses and a green jacket used in Robbery 4 from the vehicle SMELTER was driving.

SEARCH WARRANT

18. On February 23, 2022 at approximately 7:30 p.m. a search warrant for SMELTZER's residence, 3208 Madeira Dr. NE, Albuquerque, NM 87110, was executed by FBI Agents. During the search of the residence Agents located the following items:

- a. A gray long sleeve button up shirt - consistent with the shirt wore by the suspect during Robbery 3, and
- b. Six blue pills.

CONCLUSION

19. Based on the above information, I believe Jason SMELTZER committed violation 18 U.S.C. § 2113, bank robbery. This criminal complaint was approved by Supervisory Assistant U.S. Attorney Jack Burkhead of the District of New Mexico.

Respectfully submitted,



Elia Viramontes
Special Agent
Federal Bureau of Investigation

ELECTRONICALLY SUBMITTED AND TELEPHONICALLY SWORN TO ME ON

March 25, 2022



Jerry H. Ritter, United States Magistrate Judge